

REMARKS

Upon entry of the amendments, claims 1, 3, 5, 7, 8, 10 and 12-20 will be pending in the application. Claims 2, 4, 6, 9, and 11 have been canceled. Claim 20 has been added to the application. The requisite fee is submitted herewith for one additional independent claim.

Applicants provide the following comments to the rejections set forth in the Office Action of September 30, 2003 wherein claims 1-10 and 12-19 were rejected.

Claim Rejections-35 U.S.C. § 112

In the Office Action, claims 1-19 are rejected as indefinite because of the term “thready”.

Applicants respectfully assert that this rejection should be withdrawn. The term “thready” has a recognized meaning which can be referenced in a dictionary.

Applicants believe that the language appearing in the claims allows a person of ordinary skill in the art to interpret the metes and bounds of the claim so as to understand how to avoid infringement. Therefore, the rejection should not be maintained.

Claim Rejections-35 U.S.C. § 102

The Office Action sets forth the following anticipation rejections:

1. claims 1, 2, 4-9, and 12 are rejected under 35 U.S.C. §102(b) in view of Belan (US 4,958,596);
2. claims 1, 2, 4-9, and 12 are rejected under 35 U.S.C. §102(b) in view of Evans (US 4,039,261);
3. claims 1, 3, 6-9, 12-19 are rejected under 35 U.S.C. §102(b) in view of Yonemizu (US 5,858,112); and
4. claims 1, 3, 6-9, 12-19 are rejected under 35 U.S.C. §102(e) in view of Nakashima (US 6,115,867).

Applicants have carefully considered the rejections and respectfully request that they be withdrawn.

Regarding the first rejection, Belan fails to disclose brush members made of water permeable material as set forth in independent claim 1. It is also doubtful that one skilled in the art would find any inherent support for a water permeable material because the brush members of Belan appear to be made of the same material as the head portion and liquid reservoir. Therefore, one would not expect a water permeable material to be used. Hence, claim 1 and the subsequent dependant claims are not anticipated by Belan.

Belan also fails to inherently or explicitly disclose that there are a number of channels extending from the hollow channel of each brush member as set forth from independent claim 12. The undersigned notes that Belan discloses the hollow channel

39 being connected to a liquid dispersing means 48, which has a number of channels.

As such, the structure of Belan differs from the claimed invention.

Regarding the second rejection, Applicants similarly assert that Evans fails to disclose a brush member made of water permeable material as set forth in independent claim 1. Further, Applicants believe that Evans fails to disclose number of channels extending from the hollow channel of the brush member as set forth from independent claim 12. As noted above, the Evans toothbrush emits the toothpaste at the top of the bristle rather than along the length of the bristle. Therefore, there would not be a number of channels extending from the hollow channel of a brush member.

Regarding the third and fourth anticipation rejections, Applicants respectfully requests that they be withdrawn due to similar failings. Applicants note that the Examiner explains in the obviousness rejections that Yonemizu and Nakashima “fail to teach hollow brush member with channels that allow for a liquid supply.” Hence, Applicants respectfully assert that Yonemizu and Nakashima fail to inherently or explicitly disclose each and every feature of the independent claims.

Claim Rejections-35 U.S.C. § 103

The Office Action sets forth the following obvious rejections:

1. Claims 1-9, 12-19 are rejected based on Yonemizu or Nakashima in view of Belan;

2. Claims 1-9, 12-19 are rejected based on Yonemizu, or Nakashima in view of Evans; and
3. Claim 10 is rejected based on Belan, Evans, Yonemizu, or Nakashima in view of Hirata (US 6,126,530).

Applicants have carefully considered the obviousness rejections and respectfully request that they be withdrawn. As previously discussed, the cited prior art of record fails to teach, hint, or suggest the use of water permeable material. Further, the cited prior art fails to teach a number of channels extending from the hollow channel in the brush members. Consideration of the cited art, in combination, fails to alleviate these specific failings. Therefore, the first, second, and third obviousness rejections should be withdrawn because the cited prior art fails to teach, hint, or suggest the claimed invention to one skilled in the art.

New Claim

New claim 20 is similar to originally filed claim 13 but recites the alternative embodiment of the brush member which is detailed in the specification and in claim 12.

CONCLUSION

Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any additional fees are due in connection with the filing of this response, please charge the fees to Deposit Account No. 02-4300. Any overpayment can be credited to Deposit Account No. 02-4300.

Respectfully submitted,

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Signature: _____



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